

House Bill 614
March 18, 2009
Presented by Jim Kropp
House Transportation Committee

Mr. Chairman and committee members, for the record I am Jim Kropp, Chief of Law Enforcement of Montana Department of Fish, Wildlife & Parks (FWP).

I am here to offer FWP's support of HB 614. We continue to encounter problems with the unlawful use of off-road vehicles on public lands across the state. Our agency has endeavored to abate these problems through an extensive user education program in concert with other state and federal land management agencies. Many of the organized off-road groups have also contributed time, money and effort to stem this issue. Nonetheless, there continues those who continue to abuse the land with motorized vehicles.

Organized OHV groups have dedicated efforts towards reducing and alleviating this problem. These groups teach trail manners, the proper and safe use of OHV's and have helped to establish a number of trails for OHV's across the state. We believe, however, that those who abuse the land with OHV's are not those who are members of these organized groups. One need not be a member of one of these groups to own and operate an OHV.

The FWP Commission as part of their annual hunting regulations adoption process has adopted all federally approved travel plans on public lands in Montana since 2004. Therefore, motorized travel in restricted areas in violation of any current travel plan or land use plan constitutes an FWP rule violation during the hunting seasons. However, wardens cannot cite individuals for violations of motorized plans and closures outside of commission-established season. In those situations, FWP wardens have turned the cases over to officers of the appropriate land management agency. HB 614 would enable wardens to act immediately and year-round when they encounter such violations.

To give you some perspective on our efforts to date, during the calendar years 2005 through 2007, Montana wardens made 15,062 contacts with OHV users in the state. As a result we issued 226 citations, 137 courtesy citations- that is, written warnings, and gave 1037 verbal warnings. We initiated and carried out numerous saturation patrols that constitute an intensive presence in problem areas of OHV abuse. We not only utilize officers on the ground but also occasionally have used aircraft to spot and cite individuals who flaunt trail use rules.

We have 75 field wardens to cover the state of Montana enforcing a wide range of resource laws. The BLM has even fewer to patrol and police their lands and the Forest Service has limited enforcement staff as well. Officers simply can't be everywhere, nor should they. We rely heavily on citizens reporting violations to us through such entities as the TIPMONT Program as well as direct contact with our officers. We view HB 614 and yet another tool to address unlawful OHV use.

We support SB HB 614, and I am available for questions.